

House Engrossed

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
First Regular Session  
2001

CHAPTER 92

# HOUSE BILL 2148

AN ACT

AMENDING SECTION 13-4202, ARIZONA REVISED STATUTES; RELATING TO CRIME VICTIM  
ACCOUNTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-4202, Arizona Revised Statutes, is amended to read:

13-4202. Void contracts; crime victim accounts; establishment; notice to victims; exceptions; civil liability; definition

A. Every contract whether written or oral, express or implied, with an accused with respect to the reenactment, DESCRIPTION OR DEPICTION of a crime by movie, book, article, radio or television presentation, INTERNET OR ON-LINE PRESENTATION OR DEPICTION, live entertainment or expression of thoughts, feelings, opinions or emotions is contrary to public policy and void unless the contract provides for payment to the commission of any monies which would be paid to the accused for such information or rights.

B. The commission shall deposit the monies received pursuant to subsection A from the contracts or agreements of each accused, for each crime committed by the accused, in a separate account designated as a crime victim account. The money shall be distributed as determined by the commission to any victim of the crime committed by the accused if both of the following apply:

1. The accused is convicted of the crime.

2. The victim, within five years after the date of establishment of the account, applies to the commission for compensation and demonstrates by sufficient reliable evidence, as determined by the commission, that he THE VICTIM has suffered a loss resulting from such crime and the amount of such loss.

C. The commission, at least once every year for five years from the date of receipt of monies pursuant to subsection B, shall publish a legal notice in a newspaper of general circulation in the county wherein the crime was committed and in counties contiguous to such county advising all victims for which monies have been received that funds are available to satisfy money judgments pursuant to this section. Such notice shall identify the accused, describe the criminal act involved and the proceedings against the accused and state the procedure to be followed for recovery of monies pursuant to subsection B. No reference to the identity of the victim shall be made. The commission may, in its discretion, provide for such additional notice as it deems necessary.

D. Upon disposition of charges favorable to an accused, the commission shall immediately pay any monies in the account owing to such person.

E. After five years have elapsed following the establishment of the account pursuant to subsection B and upon a showing that no applications for compensation are pending pursuant to this section, the commission shall immediately pay any monies in the account to the state general fund.

F. For purposes of this section, a person found not guilty EXCEPT INSANE by reason of insanity pursuant to rule 23.2, Arizona rules of criminal procedure, shall be deemed to be a convicted person.

1 G. Whenever it is found, pursuant to rule 11, Arizona rules of  
2 criminal procedure, that a person accused of a crime is unfit to proceed as  
3 a result of mental illness or defect because such person lacks capacity to  
4 understand the proceedings against him THE PERSON or to assist in his THE  
5 PERSON'S own defense, the commission shall bring an action of interpleader  
6 pursuant to rule 22, Arizona rules of civil procedure, to determine  
7 disposition of the escrow account.

8 H. Notwithstanding any inconsistent provision of law or of the rules  
9 of civil procedure with respect to the timely bringing of an action, the  
10 five-year period provided for in subsection B shall not begin to run until  
11 an account has been established.

12 I. Notwithstanding subsections B through F the commission shall make  
13 payments from the account to any accused upon the order of a court of  
14 competent jurisdiction after a showing by the accused that the money will be  
15 used for the sole purpose of retaining legal representation at any stage of  
16 proceedings against such accused.

17 J. An action taken by any person, whether by execution of a power of  
18 attorney, creation of a corporate entity or otherwise, to defeat the purpose  
19 of this section shall be null and void as against the public policy of this  
20 state.

21 K. The cost of administering to the account and the monies therein  
22 shall be reimbursed to the industrial commission from the account.

23 L. Any person entering into a contract described in subsection A which  
24 does not comply with this section shall be liable to the state for deposit  
25 in the crime victim account of an amount equal to all monies paid or received  
26 including monies paid to or received by another person by execution of a  
27 power of attorney, creation of a corporate entity or otherwise done to defeat  
28 the purposes of this section.

29 M. For purposes of this section "loss" includes the value of any  
30 property damaged, destroyed or taken, the cost of medical treatment or  
31 counseling, lost wages and any other damage suffered as a result of the  
32 crime.

APPROVED BY THE GOVERNOR APRIL 11, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 12, 2001.

Passed the House March 19, 2001,

Passed the Senate April 4, 2001,

by the following vote: 55 Ayes,

by the following vote: 30 Ayes,

0 Nays, 5 Not Voting

0 Nays, 0 Not Voting

Jake Flake  
Speaker, of the House  
Pro Tempore

Robert Hurt  
President of the Senate

Norman L. Fyfe  
Chief Clerk of the House

Charmine Billington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

5 day of April, 2001,

at 1:56 o'clock P M.

Jandra Ramirez  
Secretary to the Governor

Approved this 11 day of

April, 2001,

at 1:45 o'clock P M.

Jan V. Vukobratovic  
Governor of Arizona

H.B. 2148

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 12 day of April, 2001,

at 3:36 o'clock P M.

Robert Bayless  
Secretary of State